

FILED
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3:02 pm, Jan 29, 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OTTO REYES,

Plaintiff,

-against-

ADOPTION ORDER

16-cv-5168 (ADS) (AYS)

ART TEK DESIGN, LTD. and ALAIN LEON
ARTINIAN,

Defendants.

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APPEARANCES:

Neil H. Greenberg & Associates, P.C.

Counsel for the Plaintiff

4242 Merrick Road

Massapequa, NY 11758

By: Neil H. Greenberg, Esq.

Keith E. Williams, Esq., Of Counsel

NO APPEARANCES:

The Defendants

SPATT, District Judge.

On September 16, 2016, the Plaintiff, Otto Reyes (the “Plaintiff”), commenced this wage-and-hour action against his former employers, Art Tek Design, Ltd. and Alain Leon Artinian (together, the “Defendants”), alleging violations of the Fair Labor Standards Act and New York Labor Law. Namely, the Plaintiff seeks to recover allegedly unpaid minimum wages, overtime wages, and damages arising from the Defendants’ alleged failure to furnish wage statements and other required documentation.

On March 13, 2017, the Clerk of the Court noted the default of the Defendants.

On March 31, 2017, the Plaintiff moved for a default judgment.

On April 1, 2017, the Court referred this matter to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On January 11, 2018, Judge Shields issued a Report & Recommendation (“R&R”) recommending that (1) the default judgment be granted; (2) that the Plaintiff be awarded total damages of \$41,067.22; (3) that the Defendants be held jointly and severally liable for the Plaintiff’s awarded damages; (4) that post-judgment interest be awarded to the Plaintiff; and (5) that the Plaintiff be granted leave to move for attorneys’ fees and costs.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. There being no objection to Judge Shields’ R&R, it is hereby

ORDERED, that Judge Shields’ Report and Recommendation is adopted in its entirety. The Court (1) grants the Plaintiff’s motion for a default judgment; (2) awards the Plaintiff \$41,067.22 in damages; (3) grants the Plaintiff’s request that the Defendants be held jointly and severally liable for the awarded damages; (4) awards post-judgment interest to the Plaintiff; and (5) grants the Plaintiff leave to move for attorneys’ fees and costs; and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the Plaintiff as set forth above.

SO ORDERED.

Dated: Central Islip, New York
January 29, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge